


MD
10/9/02

NOT ON
PR LIST

Patent Docket P3130R1C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al. Serial No.: 10/002,796 Filed: November 15, 2001 For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: 1645 Examiner: Not yet assigned 
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**TRANSMITTAL OF PROPERTY RIGHTS STATEMENT TO DOE AND/OR NASA
UNDER 42 U.S.C. §§ 2182 and 2457**

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

RECEIVED
OCT 15 2002
LICENSING & REVIEW

Sir:

Applicants submit herewith an executed property rights statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 for the above captioned patent application. This property rights statement is submitted in anticipation of the Patent Office issuing a requirement for such a statement in the above captioned patent application as such a requirement was issued by the Patent Office in other related patent applications. Applicants note that this property rights statement is effective not only for the above captioned patent application, but also for all currently pending continuations of the above captioned patent application as shown in Appendix A which is appended to the fully executed property rights statement submitted herewith.

Also submitted herewith is a declaration by the undersigned patent attorney which serves to set forth the reasons why one of the joint inventors of the above captioned application (and all continuation,

Serial No.: 10/002,796

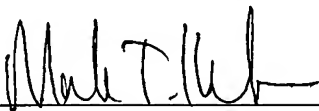
Filed: November 15, 2001

divisional and continuation-in-part applications), Nicholas F. Paoni, has refused to sign the herewith enclosed property rights statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457.

The Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone: (650) 225-4461



09157

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of:</p> <p>Ashkenazi et al.</p> <p>Serial No.: 10/002,796</p> <p>Filed: November 15, 2001</p> <p>For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i></p>	<p>Group Art Unit: 1645</p> <p>Examiner: Not yet assigned</p>
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**DECLARATION OF MARK T. KRESNAK REGARDING THE REFUSAL OF INVENTOR
NICHOLAS F. PAONI TO SIGN DOCUMENTS UNDER MPEP §§ 151 AND 409.03(d)**

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

RECEIVED
OCT 15 2002
LICENSING & REVIEW

Sir:

I, MARK T. KRESNAK, hereby declare as follows:

1. I am a patent attorney employed by the assignee of the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof), Genentech, Inc., 1 DNA Way, South San Francisco, California 94080.
2. I have a power of attorney in the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof) and am authorized to sign documents related to the prosecution of these patent applications on behalf of the assignee, Genentech, Inc.
3. In response to U.S. Patent Office notices requiring the submission by Applicants of a Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 in the above captioned patent application and/or certain other related patent applications, I prepared such a Property Rights Statement and forwarded copies thereof to each of the inventors of the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) for execution.

Serial No.: 10/002,796

Filed: November 15, 2001

4. One of the inventors to whom this statement was forwarded is Nicholas F. Paoni. The statement was sent to Mr. Paoni at his current address which is 51365 Amesbury Way, Granger, Indiana 46530.


5. Nicholas F. Paoni was named as an inventor in the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) based upon work he performed while employed by the current assignee, Genentech, Inc. Mr. Paoni's employment with Genentech, Inc. was terminated on September 19, 2001 and he is no longer employed by Genentech, Inc.

6. Since Mr. Paoni's employment with Genentech, Inc. was terminated, Mr. Paoni has expressed to me an unwillingness to sign any documents related to the prosecution of Genentech, Inc. patent application on which he is a named inventor.

7. Based upon this unwillingness to sign documents related to Genentech, Inc. patent applications on which he is a named inventor, Mr. Paoni has refused to execute the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 referenced above. As such, the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 submitted herewith is executed by all of the named joint inventors except for Nicholas F. Paoni.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10-8-02

Signed: 
Mark T. Kresnak, Ph.D.
Section Patent Counsel
Genentech, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Group Art Unit: 1645
Ashkenazi et al.	Examiner: Not yet assigned
Serial No.: 10/002,796	
Filed: November 15, 2001	
For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	

**PROPERTY RIGHTS STATEMENT TO DOE AND/OR NASA (42 U.S.C. §§ 2182 and 2457) -
INVENTORS EMPLOYED BY AN ORGANIZATION**

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

RECEIVED
OCT 15 2002
LICENSING & REVIEW

Sir:

We, as joint inventors named in the above captioned patent application and the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A, hereby declare with respect to the invention(s) described and claimed in the above captioned patent application and in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A that:

1. We made and conceived (a) the invention described and claimed in the above captioned U.S. patent application Serial No. 10/002,796 filed in the United States of America on November 15, 2001 and entitled "Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same" and (b) the invention(s) described and claimed in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A (henceforth the "Inventions");

2. We made and conceived these Inventions while employed by Genentech, Inc., 1 DNA Way, South San Francisco, California, 94080;

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Filed: November 15, 2001

3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor

Avi Ashkenazi

1456 Tarrytown Street, San Mateo, CA 94402

Citizenship: US

Inventor's signature: Avi Ashkenazi Date: 9/5/02

Full name of second joint inventor

Kevin P. Baker

14006 Indian Run Drive, Darnestown, MD 20878

Citizenship: GB

Inventor's signature: _____ Date: _____

Serial No.: 10/002,796

Filed: November 15, 2001

3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor

Avi Ashkenazi

1456 Tarrytown Street, San Mateo, CA 94402

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of second joint inventor

Kevin P. Baker

14006 Indian Run Drive, Darnestown, MD 20878

Citizenship: GB

Inventor's signature:  _____ Date: 9/9/02

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of third joint inventor

David Botstein

2539 Somerset Drive, Belmont, CA 94002

Citizenship: US

Inventor's signature: 

Date: 9-4-02

Full name of fourth joint inventor

Luc Desnoyers

2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of fifth joint inventor

Dan L. Eaton

45 Inverness Drive, San Rafael, CA 94901

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Inventor's signature: _____

Date: _____

Full name of sixth joint inventor

Napoleone Ferrara

2090 Pacific Avenue #704, San Francisco, CA 94109

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of seventh joint inventor

Sherman Fong

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Inventor's signature: _____

Date: _____

Full name of eighth joint inventor

Wei-Qiang Gao

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Citizenship: CN

Inventor's signature: _____

Date: _____

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of third joint inventor

David Botstein

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Inventor's signature: _____


Date: _____

Full name of fourth joint inventor

Luc Desnoyers

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Date: 09.11.2002

Full name of fifth joint inventor

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Citizenship: US

Inventor's signature: _____

Date: _____

Full name of sixth joint inventor

Napoleone Ferrara

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Date: 9-7-02

Full name of seventh joint inventor

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Date: 9.23.02

Full name of eighth joint inventor

Wei-Qiang Gao

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Citizenship: ~~CA~~ US

Inventor's signature:  _____

Date: 9-19-02

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of third joint inventor

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Inventor's signature: _____ Date: _____

Full name of fourth joint inventor

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Inventor's signature: _____ Date: _____

Full name of fifth joint inventor

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Inventor's signature: *Dan Eaton* Date: 9-5-02

Full name of sixth joint inventor

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Inventor's signature: _____ Date: _____

Full name of eighth joint inventor

Wei-Qiang Gao

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Citizenship: CN

Inventor's signature: _____ Date: _____

Serial No.: 10/002,796

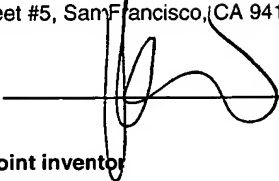
Filed: November 15, 2001

Full name of ninth joint inventor

Hanspeter Gerber

1121 Tennessee Street #5, San Francisco, CA 94107

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Date: 9-19-02

Full name of tenth joint inventor

Mary E. Gerritsen

541 Parrott Drive, San Mateo, CA 94402

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Date: _____

Full name of eleventh joint inventor

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Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of twelfth joint inventor

Paul J. Godowski

25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: 

Date: 9/20/02

Full name of thirteenth joint inventor

Austin L. Gurney

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Date: 9/19/02

Full name of fourteenth joint inventor

Ivar J. Kljavin

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Date: _____

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Filed: November 15, 2001

Full name of ninth joint inventor

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Date: Sept 5/02

Full name of eleventh joint inventor

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Full name of twelfth joint inventor

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Inventor's signature: _____

Date: _____

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Date: _____

Full name of eleventh joint inventor

Audrey Goddard

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Inventor's signature: A. Goddard

Date: Sept. 4, 2002

Full name of twelfth joint inventor

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Inventor's signature: _____

Date: _____

Full name of thirteenth joint inventor

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Inventor's signature: _____

Date: _____

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Date: _____

Serial No.: 10/002,796

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Date: _____

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Citizenship: CA

Inventor's signature: _____

Date: _____

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Inventor's signature: _____

Date: _____

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Inventor's signature: _____

Date: _____

Full name of thirteenth joint inventor

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Date: _____

Full name of fourteenth joint inventor

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Inventor's signature:  _____

Date: 09-12-02

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of fifteenth joint inventor

Jennie P. Mather

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Citizenship: US

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Date: _____

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Full name of sixteenth joint inventor

Mary A. Napier

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Inventor's signature: _____

Date: _____

Full name of seventeenth joint inventor

James Pan

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Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

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Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Margaret Ann Roy

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Date: _____

Full name of twentieth joint inventor

Timothy A. Stewart

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Date: _____

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of fifteenth joint inventor

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Inventor's signature: _____

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Inventor's signature: Mary A Napier

Date: Sept 6, 2002

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Full name of eighteenth joint inventor

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Inventor's signature: _____

Date: _____

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Date: _____

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of fifteenth joint inventor

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Date: Sept 06/02

Full name of eighteenth joint inventor

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Date: _____

Serial No.: 10/002,796

Filed: November 15, 2001

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Date: _____

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Date: _____

Full name of seventeenth joint inventor

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Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

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Inventor's signature: _____

Date: _____

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Date: 10 Sept 2002

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Serial No.: 10/002,796

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Full name of fifteenth joint inventor

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Inventor's signature: _____

Date: _____

Full name of sixteenth joint inventor

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Inventor's signature: _____

Date: _____

Full name of seventeenth joint inventor

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Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Margaret Ann Roy

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Inventor's signature: _____

Date: _____

Full name of twentieth joint inventor

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Citizenship: ~~US~~ New Zealand

Inventor's signature: _____

Date: 9/20/02

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of twenty-first joint inventor

Daniel Tumas

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Citizenship: US

Inventor's signature: _____



Date: _____

9/4/2002

Full name of twenty-second joint inventor

Colin K. Watanabe

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Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-third joint inventor

P. Mickey Williams

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Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fourth joint inventor

William I. Wood

35 Southdown Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fifth joint inventor

Zemin Zhang

876 Taurus Drive, Foster City, CA 94404

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of twenty-first joint inventor

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Inventor's signature: _____

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Full name of twenty-second joint inventor

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Inventor's signature: Colin K. Watanabe

Date: 9/5/2002

Full name of twenty-third joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fourth joint inventor

William I. Wood

35 Southdown Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fifth joint inventor

Zemin Zhang

876 Taurus Drive, Foster City, CA 94404

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Inventor's signature: _____

Date: _____

Serial No.: 10/002,796

Filed: November 15, 2001

Full name of twenty-first joint inventor

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Full name of twenty-second joint inventor

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Inventor's signature: _____

Date: _____

Full name of twenty-third joint inventor

P. Mickey Williams

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Inventor's signature: _____ 

Date: 9/6/02

Full name of twenty-fourth joint inventor

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Date: _____

Full name of twenty-fifth joint inventor

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Full name of twenty-first joint inventor

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Full name of twenty-third joint inventor

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Date: _____

Full name of twenty-fourth joint inventor

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Citizenship: US

Inventor's signature: William I. Wood

Date: 5/10/02

Full name of twenty-fifth joint inventor

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Inventor's signature: _____

Date: _____

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Full name of twenty-first joint inventor

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Date: _____

Full name of twenty-second joint inventor

Colin K. Watanabe

128 Corliss Drive, Moraga, CA 94556

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-third joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fourth joint inventor

William I. Wood

35 Southdown Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fifth joint inventor

Zemin Zhang

876 Taurus Drive, Foster City, CA 94404

Citizenship: US

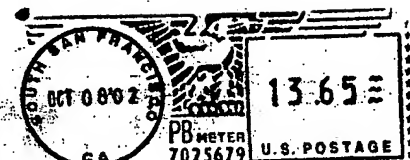
Inventor's signature: Zemin Zhang

Date: 9/12/02

APPENDIX A

Application No.	Application Date	File No
10/066273	01Feb2002	P3130R1C2
10/066193	01Feb2002	P3130R1C3
10/066269	01Feb2002	P3130R1C4
10/066203	01Feb2002	P3130R1C5
10/066198	01Feb2002	P3130R1C6
10/066500	01Feb2002	P3130R1C7
10/066211	01Feb2002	P3130R1C8
10/066494	01Feb2002	P3130R1C9

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